

**Hearing Summary**  
**Senate Committee on Environment and Public Works**  
**Hearing on “Examining the federal response to the risks associated with**  
**per- and polyfluoroalkyl substances (PFAS)”**  
**March 28, 2019**

[HYPERLINK "<https://www.epw.senate.gov/public/index.cfm/hearings?ID=918A6066-C1F1-4D81-A5A0-F08BBE06D40B>"]

**Witnesses**

- Dave Ross, Assistant Administrator for Water, EPA
- Maureen Sullivan, Deputy Assistant Secretary of Defense for Environment, DOD
- Patrick Breyse, Director, Agency for Toxic Substances and Disease Registry, HHS/CDC
- Linda Birnbaum, Director, National Institute of Environmental Health Sciences, HHS/NIH

**Members Participating**

Majority: Barrasso (WY), Rounds (SD), Capito (WV)

Minority: Carper (DE), Cardin (MD), Van Hollen (MD), Duckworth (IL), Gillibrand (NY), Markey (MA)

**Key Member Points in Opening & Closing Statements**

Chairman Barrasso

- PFAS are widely used, break down slowly, found in nearly all Americans, cause health impacts, and cause contamination downstream of military bases, airports, and industrial facilities.
- Today is the first Congressional hearing at which all four of these federal witnesses are testifying together.
- EPA’s Action Plan, released last month, includes a timeline for a PFOA/PFOS MCL, as well as actions on CERCLA hazardous-substance designation and groundwater cleanup guidance (which remains pending).
- PFAS has been found at more than 400 military bases, including in Cheyenne, WY.
- While there are thousands of PFAS chemicals and 1,200 in commerce, EPA has methods for only 18.
- Last year’s bipartisan America’s Water Infrastructure Act took a significant step forward on PFAS, providing new funding for emerging contaminant testing, treatment and remediation, and a reauthorized DWSRF.
- I am committed to finding bipartisan solutions on the PFAS issue.

Ranking Member Carper

- Welcome to Mr. Ross for his first visit to the Committee since his confirmation.
- Administrator Wheeler recently called drinking water access our biggest environmental threat, yet EPA is not showing sufficient urgency and zeal on protecting drinking water from PFAS and setting deadlines for the actions in its plan. EPA shows far more urgency when it’s repealing Obama-era environmental rules.
- Blades, DE, had a do-not-drink order last year due to PFAS detected at 2x the EPA Health Advisory level. 36/67 wells on Dover Air Force Base have shown similar contamination. The problem is nationwide (*map*).
- EPA announced four actions at the May 2018 PFAS Summit. In Action 1, EPA looked into setting a PFOA/PFOS MCL. EPA has gone back and forth between committing and not committing to an MCL. Even though Administrator Wheeler committed to setting one, this may take years, and EPA has not even started.
- EPA’s second action was considering PFOA/PFOS as CERCLA hazardous substances. The Action Plan just says EPA will do it at some unspecified future time. I’ve introduced legislation to set a one-year deadline for this.
- EPA’s third action is issuing groundwater cleanup guidance, which has been stuck at the White House since August because DOD is apparently trying to weaken EPA’s proposal.
- Finally, EPA committed to assessing risks from other PFAS chemicals, and EPA’s Action Plan again falls short.
- At his confirmation hearing, Administrator Wheeler committed that EPA would be focused on communities impacted by unsafe water and concerned about their risks. EPA’s Action Plan fails to address this commitment and fails to show urgency; I hope today’s witnesses demonstrate the urgency we need.
- Oversight is a key role for this Committee, and Congress needs to enact legislation to address PFAS threats.

## Key Witness Points

### Dave Ross (EPA)

- EPA scientific and technical staff have been leading the effort to address PFAS.
- The science needed to fully regulate PFAS isn't quite where it needs to be.
- EPA's PFAS Action Plan, released February 14, helps guide EPA's actions. (Walked through its commitments.)
- EPA has steadfast support for its relationships with states and local communities, and PFAS is a top priority.

### Maureen Sullivan (DOD)

- DOD is leading the way to address PFAS, though AFFF is one of many uses of PFAS.
- DOD acted to test 524 DOD drinking water systems after EPA released its health advisories; 24 systems tested above 70 ppt, and DOD took action.
- DOD is following the CERCLA process: determining if exposure exists, and if so, taking action to reduce it.
- DOD is spending \$10m this year to test PFAS-free AFFF – working to ensure it adequately performs.
- DOD is taking action to reduce risks, meet mission requirements, and protect public health.
- PFAS requires a nationwide solution.

### Pat Breyse (HHS/ATSDR)

- CDC has measured PFAS through the NHANES program since 1999; it's found PFAS in 98% of participants.
- ATSDR is currently working in more than 30 communities across the U.S. (including AK, MI, and VT).
- ATSDR is working on PFAS exposure assessments in coordination with ASHTO and states (esp. PA and NY).
- ATSDR published draft toxicological profiles for four PFAS in June 2018.
- ATSDR newly announced eight more exposure assessments near current or former military installations, starting later this year. ATSDR will engage with communities and make public health recommendations.
- ATSDR is also working on a Pease, NH, study to help test approaches that it can apply to a national study.
- PFAS exposure thru drinking water is widespread, and understanding human health impacts is limited. Addressing this issue requires interagency collaboration. ATSDR is working across the country to understand PFAS exposure and its health effects, and to address community concerns.

### Linda Birnbaum (HHS/NIEHS)

- NIEHS has conducted and funded PFAS research for 30 years, assessing PFAS effects using multiple study designs. The data show associations between PFAS exposures and a variety of adverse human health outcomes. Many questions remain unanswered.
- NIEHS is currently funding more than 40 PFAS-related projects, with more PFAS projects selected recently than ever before (including 10 new grants since last September). We're focusing on early-development exposures and longer term health effects.
- NIEHS Superfund research program is studying PFAS environmental fate and transport; management; and remediation. NIEHS is working with EPA on how to study more than 100 PFAS to identify similar chemistries.
- PFAS are present in the environment in complex mixtures. Testing's difficult and health data are incomplete.
- Approaching PFAS as a class, rather than individual compounds, is the best way to assess exposure and protect human health. We need to assess PFAS' value to commerce against potential human health impacts and costs. Innovating to find alternatives is critical. NIEHS research is critical for decision-making.

## Member Questions

### Chairman Barrasso (R-WY)

- Q (Sullivan): Yesterday, Todd Parfitt (Wyoming DEQ Director) sent letters to DOD about PFAS contamination at Wyoming military bases. What's the status of DOD's efforts to assess contamination at these sites? Given that groundwater contamination is likely to migrate, when will DOD test groundwater off-base? Director Parfitt's letter also highlighted sites where PFAS *may* exist – will you also be testing at those sites?
- Q (Ross, Breyse): There's been much discussion that EPA's LHAs for PFOA and PFOS seem to be inconsistent with CDC's MRLs. Could you help explain the difference between LHAs and MRLs?

- Q (Birnbaum): What do you believe are the most urgent public health questions related to PFAS?

#### **Ranking Member Carper (D-DE)**

- Q (Birnbaum): I know urgency when I see it, and I don't feel it. Do you sense urgency from EPA?
- Q (Ross): Administrator Wheeler says drinking water access is our top priority, but the Action Plan doesn't reflect that. EPA seems to have reversed itself in setting a PFOA/PFOS drinking water standard. When do you expect that rule will be finalized? We need to ensure EPA is on the job, pedal to the metal.
- Q (Sullivan): 32% of Americans' drinking water comes from groundwater, not even counting private wells. Why is DOD trying to weaken EPA's cleanup guidance, leaving unsafe contamination at 100s of sites?
- Q (Sullivan): EPA has said it's unsafe to drink water above 70 ppt and argues Superfund sites should be cleaned up to this level. As I understand it, DOD is refusing to clean up contamination where it exceeds 400 ppt; why are you advocating for exposing servicemembers to these dangerous levels?
- Q (Sullivan): You say that since 2016, no servicemembers have consumed drinking water above the 70 ppt HA level. Can you make the same assurance for the communities *surrounding* these bases?

#### **Mike Rounds (R-SD)**

- Q (Sullivan): A number of wells off of Ellsworth AFB have detected PFAS above EPA's HAs. I know DOD is providing bottled water, but can you address how DOD can better address long-term impacts to local property owners? This is a problem everywhere firefighting has occurred, not just Ellsworth.
- Q (Sullivan): Is DOD going to take responsibility for these cleanups where DOD was the source?
- Q (Sullivan): Last year, I joined Sen. Gillibrand on an (unsuccessful) amendment to the Nat'l Defense Authorization Act so the Nat'l Guard can access existing cleanup funding sources rather than needing to use O&M accounts and jeopardize their readiness. Much of the PFAS problem was created by DOD's mandate that PFAS foams be used. So do you believe the Nat'l Guard should have access to this funding?

#### **Ben Cardin (D-MD)**

- I appreciate DOD's interest in taking responsibility for contamination. There are at least four confirmed PFAS-contaminated sites in Maryland (White Oak, Fort Meade, Naval Academy, and Naval Research Lab).
- Q (Ross): The clean water and drinking water standards you are developing means that drinking water and wastewater facilities, who may not know the extent of possible contamination, may need to take action. (*References Baltimore WIFIA announcement.*) Can you explain how PFAS can be remediated in a way that holds responsible parties accountable, rather than passing costs to these systems and their ratepayers?
- Q (Ross): Public health and safety must be our #1 priority, and I appreciate you helping to prevent future contamination and figuring out appropriate levels for these contaminants. Your assessment of costs is relevant to your remediation activities and isn't relevant to setting the standards themselves, correct?

#### **Shelley Moore Capito (R-WV)**

- West Virginia is all too familiar with PFAS, caused by both industrial facilities (Wood County) and AFFF (Berkley County). The federal government needs a comprehensive, three-pronged solution:
  1. Identify and prevent potential PFAS emissions
  2. Protect drinking water through technical assistance and MCL that reflects rural system impacts; and
  3. Clean up legacy contamination.
- I'm working w/ Sens. Carper and Gillibrand on legislative approaches. I'm encouraged EPA's action plan adopts a holistic approach, but I'm concerned we're falling slightly short for our children and grandchildren.
- Q (Sullivan): You were asked at a House hearing how much PFAS-containing AFFF DOD has stockpiled. How much do you have, and how much will disposal cost? You're burning it to dispose of it – what kinds of emissions do you see? Are you testing for this?
- Q (Ross): Are you addressing air emissions from PFAS-foam burning in your Action Plan?
- Q (Ross): Can you respond to the criticism that EPA hasn't committed to deadlines in the Action Plan? Are you telling me we don't have adequate science now to make necessary judgements?

### **Chris Van Hollen (D-MD)**

- Q (Sullivan): Maryland has four DOD sites where you've found PFAS. Are you making data available to the surrounding communities? I've heard from some citizens that they've had trouble accessing testing results.
- Q (Ross): DOD is obviously doing testing – but for other federal facilities (like NASA's Wallops Island), are each of these facilities responsible for identifying contamination? I've heard concerns from employees working at this facility, and I'd like to follow up with you.
- Q (all): Regarding how to measure PFAS, you seem to be using different numbers (MRLs, LHAs). There are obviously differences between the two; is there any scientific consensus about which measure is better?

### **Tammy Duckworth (D-IL)**

- Far too many communities worry about the quality of their drinking water. EPA and DOD have failed to understand the scope of the PFAS problem.
- Q (Sullivan): You stated at a recent House Oversight & Reform hearing that the cost of PFAS cleanups could exceed \$2 billion. I've proposed legislation to give everyone on bases affected by PFAS a point-of-use drinking water filter. Do you support this? Isn't this more cost-effective?
- Q (Ross): I fear EPA has been captured by the chemical industry, which has slowed down your work. In the Action Plan, you say that you have "begun the process" to list PFAS on the TRI. How long will finalizing a TRI rule take? Will it be subject to the "2 for 1" executive order?
- Q (Ross): Recent press reports describe a dairy farm in Maine with PFAS more than 1,400 ppm, with sewage sludge as a source. Using sludge as fertilizer is widespread across all 50 states, and this could be a nationwide problem. What will EPA do to provide guidance to fertilizer suppliers to assess risks? Please keep us updated on these actions.

### **Kirsten Gillibrand (D-NY)**

- I'd like the info on EPA's work on dairy issues to be provided to the full Committee.
- Addressing PFAS is urgent in New York and in other states (particularly MI, NH; less so in IA). People are worried and angry, and they want our leadership. Hoosick Falls residents are crippled with fear. New York's Stewart and Gabreski bases are also contaminated, a legacy of the DOD requirement to use PFAS AFFF.
- Water is a fundamental right. I'm working closely with Sen. Capito on a drinking water bill to announce soon.
- Q (Birnbaum): We know there are PFAS human health risks, and the science is clear. Could you talk about some of the health risks associated with exposures to short-chain PFAS? What are the impacts for pregnant women and children? Do you think it's possible to develop a total organic fluorine method to detect PFAS?
- Q (Breyer): What can the federal government do to prepare victims of PFAS for future serious health effects that will develop? (The post-9/11 health bill may be a model.)

### **Ed Markey (D-MA)**

- PFAS substances have been silent terrors for too long and Massachusetts communities have been impacted.
- Administrator Wheeler has said clean water access, not climate change, is the #1 priority, but they're linked.
- EPA has approved more than 1,000 PFAS, but EPA has focused its major actions on just two PFAS. EPA's 2020 budget request cuts clean water funding by almost 40%, which is hypocritical.
- EPA's WOTUS rule removes clean water protections, and EPA refused even to extend the comment period, but EPA has slowed to a snail's pace on lead and PFAS. The PFAS "Inaction" Plan lacks deadlines and speed.
- Q (Ross): Cleaning up PFAS is super expensive; it cost \$3m in Barnstable, MA. Do you believe providing fewer EPA resources to communities adds burdens on these communities? Won't they be concerned?
- Q (Ross): Can new PFAS be put into the environment even as EPA struggles with existing contamination?
- Q (Sullivan): EPA set a 70 ppt level for PFOA/PFOS, but many state limits are much lower. Will DOD commit to meeting stricter state cleanup levels?
- Q (Ross & Sullivan): *Politico* "public relations nightmare" emails last year revealed a rift between ATSDR scientists and political folks at DOD, OMB, EPA, who sought to suppress more-stringent MRLs. Will you commit you will never hide science at the risk of bad PR?